

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS**

DAVID A. STEBBINS

PLAINTIFF

v.

NO. 3:17-CV-03092-TLB

**STATE OF ARKANSAS, ARKANSAS
REHABILITATION SERVICES, AND
AMY JONES**

DEFENDANT

NOTICE TO THE COURT RE: ORDER (D.E. 112)

Come now the Defendants, the State of Arkansas, Arkansas Rehabilitation Services (“ARS”), and Amy Jones, by and through their attorneys, Attorney General Leslie Rutledge and Senior Assistant Attorney General Christine A. Cryer, and for their Notice to the Court re: Order (DE 112), state as follows:

1. Defendants are in receipt of this Court’s December 5, 2017 Order in which they were ordered to produce copies of all documents generated in Microsoft Word to Mr. Stebbins within 7 days of the Order. The Defendants were also instructed notify the Court if certain documents contained in the 130-page document production were not generated in Microsoft Word. This notice seeks to clarify the documents and will identify those produced to Stebbins via a flash drive.

2. For reference, Defendants attach the 130-pages produced to Stebbins in discovery on September 21, 2017. The documents attached to this filing have been redacted and do not contain Stebbins’ social security number or his date of birth. The documents produced to Stebbins in discovery did contain that information. No other information has been redacted.

3. The pages produced in discovery were bates-numbered. These numbers appear at the bottom of each page and extend from ARS 1 – ARS 130.

4. Description of the pages produced:

- a. **ARS 1 – 29** were generated using the System 7 Case Management System, not Microsoft Word. (The Declaration attached to Defendants' response (**DE 106-3**) explains that documents generated using the System 7 Case Management System were generated on the dates appearing at the top of the page. Further, System 7 does not allow documents to be revised or altered without the date at the top changing.)
- b. **ARS 30** This is a document that was printed and completed via handwriting.
- c. **ARS 31** A facsimile coversheet.
- d. **ARS 32** Confirmation of the facsimile transmittal.
- e. **ARS 33** This is a document that was printed and completed using handwriting.
- f. **ARS 34** A facsimile coversheet.
- g. **ARS 35** Confirmation of the facsimile transmittal.
- h. **ARS 36** Handwritten response received from Vantage Point.
- i. **ARS 37** This is a document that was printed and completed via handwriting.
- j. **ARS 38 – 39** were generated using the System 7 Case Management System.
- k. **ARS 40** This is a photocopy of Stebbins' driver's license and social security card.
- l. **ARS 41** This is a photocopy of a letter provided by Stebbins from the SSA.
- m. **ARS 42 – 44** were generated using the System 7 Case Management System.
- n. **ARS 45 – 57** Photocopies of the medical records Stebbins provided to ARS
- o. **ARS 58** A facsimile coversheet.
- p. **ARS 59 – 68** were generated using the System 7 Case Management System.
- q. **ARS 69** This is a document that was printed and completed via handwriting.
- r. **ARS 70** Photocopy of the 1st police report made to the Harrison Police Department.
- s. **ARS 71 – 72** were generated using the System 7 Case Management System.
- t. **ARS 73** A copy of an email from Stebbins to Amy Jones.

- u. **ARS 74** Photocopy of the 1st police report made to the Harrison Police Department.
 - v. **ARS 75** A copy of an email from Stebbins to Amy Jones.
 - w. **ARS 76** Email from Emma McGehee to Amy Jones.
 - x. **ARS 77 – 78** This is a document emailed to Amy Jones from Alana Walls. It is unknown what program Ms. Walls used to prepare this document. Ms. Jones is no longer employed by ARS (left in October 2016). Defendants are producing a copy of the email as Attachment "A" that it was attached to, which was sent to Amy Jones on December 8, 2015.
 - y. **ARS 79 – 82** were generated using the System 7 Case Management System.
 - z. **ARS 83** A photocopy of Stebbins' college transcript produced by Stebbins to ARS.
 - aa. **ARS 84** This is a document that was printed and completed using handwriting.
 - bb. **ARS 85 – 86** This report was generated using Microsoft Word and is being produced to Stebbins on a flash drive per this Court's Order.
 - cc. **ARS 87 – 120** Medical records sent to ARS via facsimile from St. Bernard's Healthcare.
 - dd. **ARS 121 – 123** were generated using the System 7 Case Management System.
 - ee. **ARS 124 – 129** Medical records sent to ARS via facsimile from Crossroads Medical Clinic.
 - ff. **ARS 130** was generated using the System 7 Case Management System
5. Of the 130-pages of documents produced to Stebbins during discovery, the only pages which are confirmed to have been created using Microsoft Word are

Ms. Leslie Johnson's 2-page report dated December 15, 2015. **ARS 85 – 86.**

6. As previously stated, these two pages are being produced to Mr. Stebbins on a flash drive; however, when saving the two pages onto a flash drive, the date modified on the document was changed to today's date.

7. In an effort to ensure Mr. Stebbins is provided with a copy of the original document, I emailed it to him today at 3:15 p.m. A copy of the email and the emailed attachment is being produced as Exhibit B to this Notice.

WHEREFORE, Defendants respectfully request this Court consider this production and explanation of their production to have satisfied its December 5, 2017 Order. (DE 112)

Respectfully submitted,

Leslie Rutledge
Attorney General

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CERTIFICATE OF SERVICE

I, Christine A. Cryer, Senior Assistant Attorney General, do hereby certify that on December 11, 2017, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system.

I, Christine A. Cryer, hereby certify that on December 11, 2017, I mailed the document by U.S. Postal Service to the following non CM/ECF participant:

Mr. David Stebbins
123 W. Ridge St., Apt. D
Harrison, Arkansas 72601

/s/ Christine A. Cryer